

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SEARCH AND RESCUE FUNDING;
5 PROVIDING THAT CONSERVATION LICENSE REVENUE FOR SEARCH AND RESCUE FUNDING IS A
6 VOLUNTARY DONATION; PROVIDING FOR SEGREGATION OF SURCHARGES THAT WERE
7 MANDATORY FROM DONATIONS; AMENDING SECTIONS 87-1-601 AND 87-2-202, MCA; AND
8 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 87-1-601, MCA, is amended to read:

13 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in 87-1-290, 87-1-293, 87-1-
14 623, and subsections (8) and (10) of this section, all money collected or received from the sale of hunting and
15 fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the
16 fish and game laws of this state, or from appropriations or received by the department from any other state
17 source must be turned over to the department of revenue and placed in the state special revenue fund to the
18 credit of the department.

19 (b) Any money received from federal sources must be deposited in the federal special revenue fund
20 to the credit of the department.

21 (c) All interest earned on money from the following sources must be placed in the state special
22 revenue fund to the credit of the department:

23 (i) the general license account;

24 (ii) the license drawing account;

25 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-
26 722, and 87-2-724; and

27 (iv) money received from the sale of any other hunting and fishing license.

28 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set

1 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures
2 authorized to be made by the department under the terms of this title. The money described in subsection (1)
3 must be spent for those purposes by the department, subject to appropriation by the legislature.

4 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state
5 special revenue fund and the federal special revenue fund.

6 (4) Except as provided in subsections (8) and (9), all money collected or received from fines and
7 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish
8 and game laws under Title 87 must be deposited by the department of revenue and credited to the department
9 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of
10 the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any
11 case in which the fine is not imposed in addition to the costs of prosecution.

12 (5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6)
13 of this section, money must be deposited in an account in the permanent fund if it is received by the department
14 from:

15 (i) the sale of surplus real property;

16 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,
17 except royalties or other compensation based on production; and

18 (iii) leases of interests in department real property not contemplated at the time of acquisition.

19 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
20 operation, development, and maintenance of real property of the department and only upon appropriation by
21 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws
22 or state statutes specifically naming the department or money received by the department, then the use of this
23 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

24 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title
25 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous
26 funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

27 (7) Money received from the collection of license drawing applications is subject to the deposit
28 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit

1 schedule pursuant to 17-6-105(8).

2 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,
3 or rules adopted under 77-1-804 must be deposited in the state general fund.

4 (9) The department of revenue shall deposit in the state general fund one-half of the money received
5 from the fines imposed pursuant to Title 87, chapter 6.

6 (10) (a) The department shall deposit all money received from the voluntary search and rescue
7 ~~surcharge~~ donation in 87-2-202 in a state special revenue account to the credit of the department for search
8 and rescue purposes as provided for in 10-3-801.

9 (b) Upon certification by the department of reimbursement requests submitted by the department of
10 military affairs for search and rescue missions ~~involving persons engaged in hunting, fishing, or trapping~~, the
11 department may transfer funds from the special revenue account to the search and rescue account provided for
12 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

13 (c) Using funds in the department's search and rescue account that are not already committed to
14 reimbursement for search and rescue missions, the department may provide matching funds to the department
15 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
16 that the number of search and rescue missions ~~involving persons engaged in hunting, fishing, or trapping bears~~
17 to the statewide total of search and rescue missions.

18 (d) Any money deposited in the special revenue account is available for reimbursement of search and
19 rescue missions and to provide matching funds to reimburse counties for search and rescue training and
20 equipment costs."

21

22 **Section 2.** Section 87-2-202, MCA, is amended to read:

23 **"87-2-202. Application -- fee.** (1) Except as provided in 87-2-817(2), a wildlife conservation license
24 must be sold upon written application. The application must contain the applicant's name, age, [last four digits
25 of the applicant's social security number,] occupation, street address of permanent residence, mailing address,
26 qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as
27 an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a
28 Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the

1 department to substantiate the required information when applying for a wildlife conservation license. It is the
2 applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase
3 a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-817(2).

4 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
5 recorded according to rules that the department may prescribe.

6 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is
7 a voluntary search and rescue surcharge donation.

8 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is
9 a voluntary search and rescue surcharge donation.

10 (c) A person who purchases a wildlife conservation license may make a written election not to pay the
11 additional search and rescue donation in subsections (3)(a) and (3)(b). If a written election is made, the
12 donation may not be collected.

13 [(4) The department shall keep the applicant's social security number confidential, except that the
14 number may be provided to the department of public health and human services for use in administering Title
15 IV-D of the Social Security Act.]

16 (5) The department shall delete the applicant's social security number in any electronic database [5
17 years after the date that application is made for the most recent license]. *(Bracketed language terminates or is*
18 *amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee*
19 *increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--*
20 *sec. 8, Ch. 596, L. 2003.)"*

21
22 NEW SECTION. Section 3. Transition. The department of fish, wildlife, and parks shall segregate
23 search and rescue surcharges that were collected before [the effective date of this act] and administer the
24 surcharges without regard to the amendments provided in [this act].

25
26 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2021.

27
28 NEW SECTION. Section 5. Applicability. [This act] applies to wildlife conservation licenses

1 purchased after June 30, 2021.

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